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SENATE

REPORT
No. 97-477

REPEALING OUTDATED SIZE AND WEIGHT LIMITATIONS NOW IMPOSED ON THE U.S. POSTAL SERVICE

JUNE 18 (legislative day, JUNE 8), 1982.—Ordered to be printed

Mr. STEVENS, from the Committee on Governmental Affairs, submitting the following

REPORT

[To accompany S. 2073]

The Committee on Governmental Affairs, to which was referred the bill (S. 2073) to repeal outdated size and weight limitations imposed on the United States Postal Service, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to eliminate a statutory relic which discriminates against mailers in the nation's urban areas. These mailers suffer from special restrictions on their freedom to mail parcels, which were originally imposed because urban areas had access to the large-parcel service offered by the now-defunct private Railway Express Agency (REA Express). The bill would repeal these antiquated and unfair statutory limits and would authorize size and weight standards for mail parcels to be set in the same way that letter size standards and all mail classification matters are now determined, through mail classification proceedings in which mailers are able to register their views in hearings before the Postal Rate Commission.

LEGISLATIVE BACKGROUND

Since REA went out of business in 1975, the need for repeal of these obsolete restrictions has been conceded by all and the Congress has repeatedly sought to repeal them, only to see the issue become submerged when it was considered in the context of controversial general postal legislation on which a consensus was never reached. The pro-

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posal that the mail classification procedure should be used to establish parcel size and weight limits was fully explored as part of this Committee's broad legislative hearings on proposed amendments to the Postal Reorganization Act in 1978 and 1980. See *Postal Service Amendments of 1978, Hearings on S. 3229 and H.R. 7700 Before the Subcomm. on Energy, Nuclear Proliferation, and Federal Services, Senate Comm. on Governmental Affairs*, 95th Congress, 2d Session (1978); *Postal Service Act of 1980, Hearings on S. 258, H.R. 79, and H.R. 826 Before the Subcomm. on Energy, Nuclear Proliferation, and Federal Services, Senate Committee on Governmental Affairs*, 96th Congress, 2d Session (1980). In the 95th Congress the House of Representatives passed an alternative reform measure as part of the bill H.R. 7700, which would have applied uniform statutory size and weight limits to all sections of the country. In the 96th Congress, the House approved a proposal identical to the one recommended in this report, as part of the bill H.R. 79. In both of the last two Congresses, this Committee recommended legislation to the Senate which included the same remedy as is now proposed in S. 2073. On both occasions, the legislation to which the size and weight proposal was attached, numbered S. 3229 and H.R. 826, failed to come to the floor following controversy about the budgetary effects of other, controversial provisions of the bills.

This year, the Parcel Shippers Association, which represents primarily small businesses which send parcels to customers, has strongly urged enactment of S. 2073. The legislative reports on the bill from the U.S. Postal Service and the Postal Rate Commission have also strongly supported it. As in the past, no one has expressed any objection to the bill. This includes the private parcel carriers, who cannot reasonably oppose fair and nondiscriminatory size and weight rules for the Postal Service.

Explanation of the Bill

Current section 3682 (a) and (b) of title 39 fix two sets of parcel size and weight limits. With exceptions for certain books and agricultural items, the more liberal standards—100 inches in girth and length combined and 70 pounds—apply only to parcels either mailed at or sent to second, third, or fourth class post offices, rural or star routes, and other outlying areas including Alaska, Hawaii, Puerto Rico, U.S. possessions, or Armed Forces Post Offices. The more restrictive standards—84 inches in length and girth and 40 pounds—apply to parcels mailed between first class post offices. Since first class post offices include all offices in approximately the 6,200 largest cities in the country, the vast majority of mailings and most citizens are covered by the stricter limits.

These limits were first imposed in 1952 as a means of protection for REA Express, which specialized in the carriage of large parcels by rail. The reason for having two different rules, with more relaxed standards outside urban areas, was to enable residents of the less populated areas to make up for the comparative inaccessibility of rail lines and REA Express offices by affording them greater access to parcel post service. Even in the more remote areas, people could readily send and receive parcel post through the universally avail-

able daily service by rural mail carrier or at small local post offices. When REA Express service became unavailable even in the larger communities as the company went out of business in 1975, the reason for the law's double standard expired and it became more obviously discriminatory against people and business in the larger communities.

Section 3682(c) of title 39 provides that size and weight limits for letter mail, which are not fixed by statute, may be established in the same way that changes are made in mail classifications under subchapter II of chapter 36 of title 39. The mail classification process, which may be initiated either by the Postal Service or by the Postal Rate Commission, involves evidentiary hearings before the Commission in which the Postal Service, users of the mails, and an Officer of the Commission appointed to represent the interests of the general public participate. Based on the record of the hearings, the Commission issues a recommended decision to the Presidentially appointed Governors of the Postal Service, who have a narrowly defined review authority.

In place of the arbitrary and discriminatory dimension limits now fixed by law, this procedure can be expected to produce a fair and rational set of size and weight rules for parcels which will respond to mailer needs and be consistent with operational efficiencies. It will also provide the flexibility to make changes from time to time as experience shows the need.

As a transitional measure to prevent the postal system from being saddled with parcels of unmanageable proportions while the initial administrative proceedings are pending, the bill provides that the existing statutory limits remain in effect until the successor administrative rules can become effective.

The Committee believes that this legislation will remove an anachronistic restriction on the public's freedom to use the U.S. mail system. Its enactment is overdue.

UNITED PARCEL SERVICE,
Greenwich, Conn., May 7, 1982.

HON. TED STEVENS,
U.S. Senate, Chairman, Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: You recently asked for the views of United Parcel Service regarding S. 2073, a bill relating to the size and weight limitations on mail, including uniform parcel post size and weight limits.

United Parcel Service does not oppose enactment of S. 2073 and offers the following comments regarding the proposal.

For many years UPS has had a uniform parcel weight limit of 50 pounds and a size limit of 108 inches. We believe that uniform national limits are desirable because they free shippers from the constant problem of determining whether they are in compliance with varying limits. At the same time we believe that 50 pounds is a reasonable maximum weight which can be handled by one person without mechanical assistance. Weights above 50 pounds quickly become "freight" shipments requiring specialized equipment and handling.

In this connection we note that the United States Postal Service has taken a number of steps to discourage the movement of heavier packages through its system. The Postal Service says that packages

weighing over 35 pounds are incompatible with its Bulk Mail System equipment and that accordingly such packages incur extra costs to move through that system. More recently in the latest rate case (R80–1) a surcharge of 50¢ per inter BMC package over 35 pounds was imposed.

Thank you for inquiring of us as to our position on this legislation. We are always pleased to respond to your request.

Sincerely,

ROBERT E. SMITH,
Vice President.

PARCEL SHIPPERS ASSOCIATION,
Washington, D.C., March 12, 1982.

Hon. TED STEVENS,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR: On behalf of the Parcel Shippers Association, I would like to express our appreciation and gratitude for your introduction of S. 2073, dealing with the allowable size and weight of parcels sent through the United States mail.

Our Association has long advocated that Congress eliminate size and weight restrictions on parcel post. That objective would be achieved through enactment of your proposed legislation. We would hope that the Senate could move as expeditiously as possible on your bill because the present situation is anachronistic and, in numerous instances, is causing substantial hardship to both businesses and the communities they serve. So far as our Association is concerned, we do not believe there is any necessity to conduct hearings, and can support the legislation in the exact form in which you have introduced it.

Please let me know if there is any other way that our Association can assist you or the Committee in its consideration of this important matter.

Sincerely,

DAVID A. BUNN,
Executive Vice President.

THE POSTMASTER GENERAL,
Washington, D.C., April 20, 1982.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Postal Service on S. 2073, "To repeal outdated size and weight limitations now imposed on the United States Postal Service."

The Postal Service fully supports enactment of this measure, which would eliminate the present arbitrary and discriminatory restrictions on the size and weight of parcel post which mailers can send at the larger post offices. At present, a parcel moving between "first-class post offices" may not weigh more than 40 pounds or measure more

than 84 inches in combined length and girth. Post offices are classified according to the amount of business they do. "First-class post offices" are the largest 6,200 or so offices, which do the most business and serve the most people. A parcel mailed at or sent to a smaller office or a rural route address may weigh up to 70 pounds and measure 100 inches. These restrictions were imposed many years ago to help protect REA Express, a private large-parcel carrier which served primarily the larger communities which had direct access to rail lines.

Particularly after REA went out of business in 1975, these restrictions have discriminated against mailers in the larger communities where much of the nation's population and business is located. Since there is no logical basis for restrictions that prevent people in cities from mailing to other cities parcels as big as the parcels they can mail to smaller towns, or as big as people in smaller towns can mail anywhere, the restrictions serve only to confuse and irritate the mailing public. Moreover, since people typically do not understand that such irrationality could be the fault of statutory restrictions, it tends unfairly to undermine the reputation of the postal system.

This bill would revise 39 U.S.C. 3682 to repeal the statutory limits and to permit the Postal Service to establish parcel size and weight limits through the same type of procedure as is currently required for letter-mail size requirements and for mail classification rules. This procedure includes the opportunity for public participation in formal evidentiary proceedings before the Postal Rate Commission. The bill includes a transitional savings clause which would keep the existing standards in effect until new size and weight provisions are established administratively.

The Postal Service strongly supports this remedial legislation, which is long overdue.

Sincerely,

WILLIAM F. BOLGER.

ROLLCALL VOTE IN COMMITTEE

In compliance with paragraph 7 (c) of rule XXVI of the Standing Rules of the Senate, the rollcall votes taken during Committee consideration of this legislation are as follows:

YEAS (15)	NAYS (0)
Senator Percy	
Senator Stevens	
Senator Mathias	
Senator Danforth	
Senator Cohen	
Senator Durenberger	
Senator Mattingly	
Senator Rudman	
Senator Eagleton	
Senator Chiles	
Senator Glenn	
Senator Sasser	
Senator Pryor	
Senator Levin	
Senator Roth	

Evaluation of Regulatory Impact

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has evaluated the regulatory impact of the bill. By eliminating arbitrary and inflexible restrictions on the public's freedom to mail, and by substituting a more flexible and responsive procedure which will ensure that any replacement restrictions will be adopted with the participation of interested parties and serve public needs in an even-handed way, the legislation relieves a regulatory burden under current law which no longer has any justification.

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget and Impoundment Control Act of 1974 which requires each bill to contain a statement of the cost of such bill prepared by the Congressional Budget Office, a report follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., June 10, 1982.

Hon. William V. Roth, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2073, a bill to repeal outdated size and weight limitations now imposed on the United States Postal Service, as ordered reported by the Senate Committee on Governmental Affairs, May 28, 1982.

S. 2073 would allow the Postal Service to establish uniform size and weight limitations for certain kinds of mail, which is not likely to have a significant cost impact on the off-budget activities of the Postal Service.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Raymond C. Scheppach,
(For Alice M. Rivlin, Director).

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE
TITLE 39—U.S. POSTAL SERVICE

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§ 3682. Size and weight limits

[(a) Except as provided in subsection (b) of this section—

[(1) the maximum weight of mail other than letter mail is 40 pounds; and

[(2) the maximum size is—

[(A) 78 inches in girth and length combined before July 1, 1971.

[(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

[(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Postal Service;

[(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

[(3) would have been entitled to be mailed under former section 4554 of this title;

[(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; or

[(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Trust Territory of the Pacific Islands.]

[(c)] The Postal Service may establish size and weight limitations for [letter] mail *matter* in the same manner as prescribed for changes in classification under subchapter II of this chapter.

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